

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD SCOTT,

Plaintiff,

v.

DON GUANTZ,

Defendant.

CASE NO. C13-5785 RBL - JRC

ORDER

THIS MATTER is before the Court for consideration of Magistrate Judge Creatura's Report and Recommendation that Plaintiff Richard Scott's in forma pauperis status be revoked and his 42 U.S.C. § 1983 claim be dismissed with prejudice. Scott is no stranger to this Court. He has a long history of filing frivolous and harassing claims, and he has shown a complete disregard for the Rules of Civil Procedure. The Court entered a standing case management order against Scott in 2004 that imposed a number of restrictions on him to ensure that he follows the Rules of Civil Procedure and does not file unfounded, harassing claims. The Court issued a second standing case management order against Scott in 2005. Those two orders did not completely achieve their purpose, however, and in 2007, then Chief Judge Lasnik declared Scott a vexatious litigant. All three orders remain in force until abated by the Court.

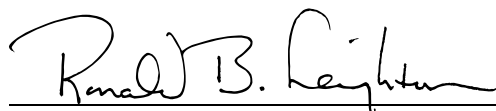
1 Relevant to the current matter, the Court's orders prohibit Scott from proceeding in forma
2 pauperis in any action, including actions that are removed from state court, unless Scott is in
3 imminent danger of death or serious injury. The Court's orders also require Scott to obtain leave
4 from the Court before he may issue any subpoenas or summonses.

5 Scott originally filed this action in state court, but the Defendant removed the case to this
6 Court. Although the state court had allowed Scott to proceed in forma pauperis, Judge
7 Creatura's report recommends revoking that status pursuant to the Court's standing orders.
8 Judge Creatura's report also recommends dismissing Scott's claims with prejudice because he
9 asked the clerk's office to issue summonses without first obtaining leave from the Court as
10 required by the standing orders. It is clear that Judge Lasnik's 2007 order prohibits Scott from
11 proceeding in forma pauperis and that he should not be issued summonses because he did not
12 first obtain leave from the court. At this point, however, dismissal is not an appropriate
13 punishment. Any future failure to comply with the Court's standing orders, however, will be
14 grounds for dismissal without prejudice.

15 Having reviewed the Report and Recommendation of the Honorable J. Richard Creatura,
16 objection to the Report and Recommendation, and the remaining record, IT IS ORDERED:

- 17 (1) Scott's in forma pauperis status is REVOKED in accordance with the Court's
18 standing orders;
19 (2) Scott's request for summonses is DENIED for failing to first obtain leave from the
20 Court as required by the standing orders;
21 (3) This matter is re-referred to Magistrate Judge Creatura.

22 Dated this 5th day of November, 2013.

23 

24 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE